



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2013)

Opinion

Title **DG ENTR - Proposal for a Regulation of the European Parliament and of the Council relating to cableway installations designed to carry persons and repealing Directive 2000/9/EC**
(draft version of 29 July 2013)*

(A) Context

The Commission is considering the revision and the alignment with the so-called ‘New Legislative Framework’ (NLF) of its Directive 2000/9/EC on cableways installations designed to carry persons (‘Cableway Directive’). The Cableway Directive establishes the free movement of safety components and subsystems of cableway installations while maintaining a high level of safety. The 2011 report on the implementation of the Cableway Directive and feedback from stakeholders highlighted a number of specific problems related to the application of the Directive. This impact assessment report focuses on these sector specific problems and not on the horizontal issues covered in the NLF alignment package.

(B) Overall opinion: POSITIVE

The report should be improved in a number of respects. First, it should clarify the relevance of the problems at stake and should explain to what extent these problems lead to any identifiable market distortions and/or potential risks linked to safety. Second, the report should be clearer about the order of magnitude of the impacts, and should better assess the expected improvements related to the costs, time savings or simplification of conformity assessment procedures. It should also indicate how competition on the relevant markets would be increased as a result of the foreseen clarifications of the Cableway Directive. Finally, the views of Member States' authorities and economic operators should be better reflected in the report.

In their written communication with the Board DG ENTR accepted to amend the report along the lines of these recommendations.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

(C) Main recommendations for improvements

(1) Clarify the significance of the problems. While already indicating that the problems with the operation of the Directive concern only a limited number of cases per year, the report should be more conclusive about their relevance. It should therefore clarify whether, and to what extent, these problems lead in practice to any identifiable market distortions and/or potential safety risks. To this end, the report could draw on existing examples to better illustrate (i) the disparities between the legal requirements and observed (diverging) implementation approaches followed by the Member States' authorities, and (ii) the difficulties that economic operators encounter in complying with the requirements of the Directive, when undergoing the conformity assessment procedures. Finally, the report should clarify if the placement on the market of non-compliant products is one of the problems to be addressed, and revise the monitoring indicators accordingly.

(2) Clarify the assessment of impacts. Despite the expected limited significance of the impacts, the report should be clearer as to the nature and order of magnitude of the changes that will occur as a result of the foreseen policy change options. To this end, the report should provide a better assessment of how the existing issues with the operation of the Directive would be reduced or eliminated (for example, in terms of improvements related to the costs or time saving or simplification of conformity assessment procedures). It should also clarify how competition on the relevant markets would be increased (for example as a result of clarifying the scope of the Directive as regards the funiculars and inclined lifts). Finally, the report should compare in a clearer way the advantages and disadvantages for the choice of the legal instrument.

(3) Better present the stakeholder's views. The report should systematically refer to the positions of both Member States' authorities and economic operators, indicating when their views were different. It should explain how the positions of stakeholders have affected the design of different policy options. Finally, a summary of the results of the different consultations should be annexed to the impact assessment report.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report

(D) Procedure and presentation

The summary sheet should be shortened to respect the two page limit.

(E) IAB scrutiny process

Reference number	2012/ENTR/004
External expertise used	No
Date of IAB meeting	Written procedure (18 September 2013)